

2nd Ind.

27 May 1947

Office of General Counsel, CIG

TO: Office of Collection and Dissemination, CIG

1. The attached orders to produce from the International Military Tribunal in Tokyo were issued by the Court at the request of defense counsel. The Court's charter was granted by order of General McArthur, as Supreme Allied Commander, and the court was given recognition by the President in his appointment of the Chief of Counsel.

2. Under these circumstances, we believe there is no obligation to comply with any and all orders from the court, but in the absence of any good reason for refusal it is our opinion that CIG should cooperate with such requests whenever possible. It is our understanding that this is the attitude taken by the State Department. Consequently, we feel that our formal attitude should be that we are waiving any technical objections we may have and are submitting the documents in question in response to the order, unless it is found that there is any security objection or other reason why, in the national interest, the court should not have these papers.

3. The documents should be turned over to Mr. Brooks and a complete receipt obtained from him. In the event that return of any of these documents to CIG custody is thought necessary, Mr. Brooks should be requested in writing to return them and, if accepted by the court in evidence, to arrange for substitution of photostats in the record and return of the originals.

LAWRENCE R. HOUSTON
General Counsel

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